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6 Proposed Attorneys for T Bar M Ranch
7 an Oklahoma limited liability company

8 UNITED STATES BANKRUPTCY COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 SACRAMENTO DIVISION

11 In re:

12 T BAR M RANCH, an Oklahoma
limited liability company,

13 Debtor.

CASE NO.: 2015-20844-B-11

Chapter 11

DCN: FWP-2

Date: February 6, 2015

Time: 3: 00 p.m.

Judge: Hon. Christopher D. Jaime

Courtroom: 32, Department B

17 **MOTION FOR AUTHORITY TO USE CASH COLLATERAL AND FOR
18 AUTHORITY TO PAY PREPETITION WAGES, COMPENSATION AND UTILITIES**

19 T Bar M Ranch, an Oklahoma limited liability company, (the “Debtor”), comes before
20 this Court seeking an Order granting a Motion for Order Approving Use of Cash Collateral and
21 for Authority to Pay Prepetition Wages, Compensation and Utilities as follows:

22 1. The grounds for the Motion are that the cash collateral sought to be used
23 constitutes the sole source of funds to operate the Debtor’s business. Unless the Court
24 permits immediate use of the cash collateral the Debtor will be unable to pay employees and
25 suppliers and otherwise will be unable to continue the business or preserve the value of the
26 estate’s assets. The Debtor immediately needs the use of cash collateral to maintain operations.
27 Any inability to maintain ongoing services will severely affect the value of the estate, which will
28 create immediate and reparable problems for the Debtor and its creditors.

1 2. The cash collateral sought to be used is the claimed cash collateral of Furst
2 McNess Co., Alan Ritchey Inc., Diversified Ingredients, Rising Phoenix Farms, LLC, Frontier
3 Trading, Inc. (collectively, the “Feed Suppliers”) are all feed suppliers that are owed money by
4 the Debtor and who may assert dairy liens (Bank of the West and the Feed Suppliers are
5 collectively referred to herein as the “Secured Creditors”). The Secured Creditors may have
6 security interests in the cash collateral to be used.

7 3. The Debtor further requests authority to pay employee obligations, employee
8 deductions and employee expenses (the “Employee Compensation”) and all utility expenses (the
9 “Utilities”) as included in the Budget, including amounts owed for services or utilities delivered
10 pre-petition. The Debtor believes that such amounts would be entitled to priority claim status
11 under the provisions of section 507(a) or otherwise require adequate assurance under section 366
12 and that payment of the pre-petition Employee Compensation and Utilities is necessary to the
13 continued operation of the Debtor’s business. If such payments are not made, there is a
14 substantial risk of loss of employees or utility service that would result in the Debtor’s inability
15 to operate its business or care for its cows. Replacing the Debtor’s employees would be difficult
16 or impossible and would require significant expense and loss of operations that the Debtor
17 cannot afford to incur.

18 4. Pursuant to B.R. 4001(d)(1), the Motion has been served by fax or email and
19 United States Mail on all lease or executory contract creditors; all secured creditors; all taxing
20 agencies; the twenty largest unsecured creditors, or Chapter 11 Trustee; the Debtor and
21 counsel; and the U.S. Trustee’s Office.

22 5. The Motion is based on the Notice of Motion, the Motion and Memorandum of
23 Points and Authorities in support of the Motion; the Declaration; and all exhibits attached
24 thereto; the complete records and files of the Court in this case; the representations and
25 arguments of counsel to be made at the hearing on the Motion; and such other and further
26 evidence and matters as may be presented to the Court in connection with the Motion.

27 WHEREFORE, the Debtor requests that the Court enter an Order (i) approving the
28 interim use of cash collateral at the hearing; (ii) authorizing the use of cash collateral on

1 terms prescribed by the Court; (iii) setting a hearing on further uses of cash collateral; (iv)
2 authorizing payment of amounts owed for Employee Compensation or Utilities, including
3 amounts owed for services or utilities delivered pre-petition, and (v) granting such other and
4 further relief as the Court deems just and proper under the circumstances.

5 Dated: February 6, 2015

6 FELDERSTEIN FITZGERALD
WILLOUGHBY & PASCUZZI LLP

7 By: /s/ Jason E. Rios
8 JASON E. RIOS
9 Proposed Attorneys for T Bar M Ranch,
an Oklahoma limited liability company

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